

**MINUTES OF THE MEETING
OF THE
BOARD OF NURSING**

January 18-19, 2006

Call to Order

Mary Megel, Vice-President, called the meeting of the Nebraska Board of Nursing to order at 1:30 p.m. on January 18, 2006, in the conference room at the Settle Inn, Lincoln, Nebraska. Copies of the agenda were sent to Board members and other interested persons, and posted.

Roll Call

The following members were present:

Mary Megel, RN, Vice-President
Jacqueline Ross, RN, Secretary
Mary Bunger, RN
Joyce Bunger, public member (arrived at 1:35 p.m.)
Sandra Mann, public member
Nancy Gondringer, RN
Julie Brauer, RN
Crystal Higgins, RN
Dawn Nickel, LPN

The following members were absent:

Marcy Echternacht, RN, President
Deanna Lloyd, LPN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Sheila Exstrom, RN, Nursing Education Consultant. Charlene Kelly, RN, Executive Director arrived at 2:00 p.m.

Review of Agenda

The board reviewed the agenda.

1. M. Bunger made the motion seconded by Mann **that the board adopt the agenda.**

Voting Aye: M Bunger, Mann, Megel, Ross, Gondringer, Brauer, Higgins, and Nickel. Voting Nay: none. Abstain: none. Absent: J. Bunger, Echternacht and Lloyd. Motion carried.

Review of the Consent Agenda

The board reviewed the consent agenda. the consent agenda.

2. Mann made the motion seconded by Gondringer **that the board adopt the consent agenda and approved the following:**

- D.1. December 8, 2005 Board of Nursing meeting minutes**
- D.2. December 7, 2005 Education Committee meeting minutes**
- D.3. December 7, 2005 Practice Committee meeting minutes**
- 4.4 Disciplinary actions/dismissals since last meeting**
- 4.5 Probation monitoring update**

Voting Aye: M Bunger, Mann, Megel, Ross, Gondringer, Brauer, Higgins, and Nickel. Voting Nay: none. Abstain: none. Absent: J. Bunger, Echternacht and Lloyd. Motion carried.

1:35 p.m. J. Bunger arrived.

Changes in procedure for reviewing initial licensure applications

Communication has been received from the Investigation Division that due to resource constraints only those applicants with class I misdemeanors and felonies will be investigated by the Investigation Division. For the other applicants who report convictions on their applications, copies of the application and the supporting documents will be provided to the board.

Review of Legislative Bills that have been Introduced

LB 838 – exempts CRNAs from radiation use qualifications. Hearing has already been held.
LB 908 – exempts APRNs from radiation use qualifications. Hearing has already been held.
LB 962 – appropriates \$150,000 to fund the Nursing Student Faculty Loan Act. Hearing date not yet set. Board will testify in person, if possible, or with written testimony in support.
LB 1001 – includes APRNs in statutes governing physician/patient privilege. Hearing is January 20. Board will provide written support of including APRNs in privileged communication.
LB 1002 – removes restrictions on prescription of schedule II controlled substances by APRNs. Hearing date not yet set. Support with written statement.
LB 1107 – allows students to self-manage their diabetes in school. Board will review. Kelly will email board members to determine if testimony should be provided.
LB 1148 – allows students to possess and self-administer medications for asthma in schools. Kelly will email board members to determine if testimony should be provided.

Research Presentation

Alison Clevette, a recent graduate of Clarkson College with a master's degree in nursing presented the research she has completed in conjunction with Charlene Kelly entitled "Correlation Between Reported Pre-licensure Criminal Conviction and Post-licensure Disciplinary Action: An Exploratory Study" Kelly and Clevette plan to do additional research to determine if there is a correlation if only class I and II misdemeanors and felony convictions are considered. They also hope to study the correlation between the type of behavior that resulted in the conviction and the behavior that resulted in license discipline.

3:00 p.m. Meeting recessed.

8:30 a.m. January 19, 2006 the meeting reconvened.

Roll Call

The following members were present:

Marcy Echternacht, RN, President
Mary Megel, RN, Vice-President
Jacqueline Ross, RN, Secretary
Mary Bunger, RN
Joyce Bunger, public member
Sandra Mann, public member
Nancy Gondringer, RN
Julie Brauer, RN
Crystal Higgins, RN
Dawn Nickel, LPN

The following member was absent:

Deanna Lloyd, LPN

A quorum of the Board was present and the meeting convened. Also present from the Credentialing Division was Sheila Exstrom, RN, Nursing Education Consultant, Charlene Kelly, RN, Executive Director and Ruth Schuldt, RN, compliance monitor. Those present from the Investigations Division included Michael Grutsch, Peggy Persell, RN, and Sharon Fitz, RN. Also present was Terri Nutzman, Assistant Attorney General.

8:35 a.m.

3. J Bunger made the motion seconded by M Bunger **that the board go into closed session for the purpose of reviewing investigation reports.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

9:17 a.m. the meeting recessed

9:25 a.m. the meeting reconvened

10:35 a.m. the meeting recessed. Grutsch, Fitz and Persell left the meeting

10:45 a.m. the meeting reconvened.

12:00 p.m. the board came out of closed session. Schuldt left the meeting.

The board recessed briefly and then reconvened over lunch.

Based on the discussions held in closed session the following motions were made:

Nancy Semler

4. Megel made the motion seconded by Mann **that the board notify Nancy Semler of their intention to deny reinstatement of her nursing license.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Cynthia Wiekhorst

5. M Bunger made the motion seconded by Gondringer **that the board notify Cynthia Wiekhorst of their intention to reinstate her RN license without restrictions.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Donna Ferraguti

6. Brauer made the motion seconded by Gondringer **that the board notify Donna Ferraguti of their intention to issue her a probationary temporary LPN refresher course permit and subsequently reinstate her LPN license on probation upon successful completion of the refresher course. The permit/license will be issued on probation for five years with the following conditions: abstain from alcohol, abstain from controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, advise department of any professional counseling and submit reports, participate in three NA, AA, or other support group meetings weekly, work under direct RN supervision for one year and under indirect RN supervision for one year, have not access to controlled substances in the course of employment for one year and access to controlled substances under**

supervision for one year, practice a minimum of 130 hours per quarter, obtain/maintain an AA sponsor and all of the other usual terms of probation.

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

David Peterson

7. Gondringer made the motion seconded by Higgins **that the board grant David Peterson a probationary RN license for five years with the following conditions: abstain from alcohol, abstain from controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, advise department of any professional counseling and submit reports, participate in three NA, AA, or other support group meetings weekly, work under direct RN supervision for one year and under indirect RN supervision for one year, have not access to controlled substances in the course of employment for one year and access to controlled substances under supervision for one year, practice a minimum of 130 hours per quarter, obtain/maintain an AA sponsor and all of the other usual terms of probation.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Sister Felicitas Mary Maduabuchi

8. M. Bunger made the motion seconded by Megel **that, after determining if she still wishes to obtain a Nebraska license, the board issue Sister Felicitas Mary Maduabuchi an unrestricted RN license.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Megan Bounds

9. Gondringer made the motion seconded by Higgins **that the board issue Megan Bounds an unrestricted RN license upon successful completion of the NCLEX-RN® examination.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Jessica Rosenkrantz

10. J. Bunger made the motion seconded by Megel **that the board issue Jessica Rosenkrantz an unrestricted LPN license upon successful completion of NCLEX-PN®.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Sarah Nelson

11. M. Bunger made the motion seconded by Higgins **that upon successful completion of NCLEX-RN® the board issue Sarah Nelson a probationary RN license until she provides documentation of successful completion the court-ordered probation. The rationale for the probationary licensed is prior criminal convictions and LAP recommendations that have not yet been completed. Conditions of probation will include completion of the LAP recommendations.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Anslee Ostergard

12. J Bunger made the motion seconded by Megel **that the board issue Anslee Ostergard an unrestricted RN license upon successful completion of NCLEX-RN®.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Jennifer Mohan

13. Gondringer made the motion seconded by Higgins **that the board issue Jennifer Mohan an unrestricted RN license upon successful completion of NCLEX-RN®.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Christin Benson

14. Megel made the motion seconded by M. Bunger **that the board notify Christin Benson of their intent to reinstate her RN license on probation for five years with the following terms: abstain from alcohol, abstain from controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, advise department of any professional counseling and submit reports, participate in three NA, AA, or other support group meetings weekly, work under direct RN supervision for one year and under indirect RN supervision for one year, have not access to controlled substances in the course of employment for one year and access to controlled substances under supervision for one year, practice a minimum of 130 hours per quarter, obtain/maintain an AA sponsor and all of the other usual terms of probation.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Pat Edwards

15. Brauer made the motion seconded by Gondringer **that the board notify Pat Edwards of their intent to reinstate her nursing license on probation for five years with the following terms: abstain from alcohol, abstain from controlled substances, provide verification from treating practitioner of all prescription medications, report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, advise department of any professional counseling and submit reports, participate in three NA, AA, or other support group meetings weekly, work under direct RN supervision for one year and under indirect RN supervision for one year, have not access to controlled substances in the course of employment for one year and access to controlled substances under supervision for one year, practice a minimum of 130 hours per quarter, obtain/maintain an AA sponsor and all of the other usual terms of probation.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Jody Streiff

16. Higgins made the motion seconded by M. Bunger **that the board notify Jody Streiff of their intention to reinstate her RN license on probation for five years with the following terms: abstain from alcohol, abstain from controlled substances, provide verification from treating practitioner of all prescription medications,**

report all prescription medications taken, submit to random body fluid screens, comply with treatment recommendations, advise department of any professional counseling and submit reports, participate in three NA, AA, or other support group meetings weekly, work under direct RN supervision for one year and under indirect RN supervision for one year, have not access to controlled substances in the course of employment for one year and access to controlled substances under supervision for one year, practice a minimum of 130 hours per quarter, obtain/maintain an AA sponsor and all of the other usual terms of probation.

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Cynthia Daniels

An order issued by the Chief Medical Officer requires Cynthia Daniels to successfully complete a refresher course on nursing, the exact nature and duration of which will be determined by the Board of Nursing.

17. Nickel made the motion seconded by Brauer **that the board require Cynthia Daniels to complete a refresher course designed for Registered Nurses on Intravenous/Central Lines and if possible should contain a certification component. The course must be approved by staff prior to beginning the course.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Judith Koch

18. J Bunger made the motion seconded by Mann **that the board approve the medication administration course submitted by Judith Koch as satisfactorily meeting the Board of Nursing recommended conditions of reinstatement of her nursing license.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Communication/participation with nursing organizations/groups

Nebraska Nursing Leadership Coalition (NNLC)

Exstrom gave an overview of the activities of the NNLC. The board was asked to designate two persons to serve on the coordinating committee for NNLC. Exstrom and Nickel are the designees. The Nursing Summit is scheduled for March 28, 2006 in Kearney. Gondringer, Higgins, M. Bunker, Ross, Nickel, Exstrom and Kelly indicated they plan to attend. Kelly will check with Bowen and Lloyd and complete the registrations and make reservations for those attending.

LGNNNO

A board representative was not present at the recent meeting of this group. When Kelly receives the notice of meeting she will forward it to board members who reside in the location where the meeting will be held. That is, when the meeting is scheduled to be held in Omaha Kelly will send notice to the board member who reside in Omaha to seek a volunteer to attend the meeting. When the meeting is scheduled in Lincoln an attendee will be sought from board members who reside in Lincoln.

Report on recent publications, consultation and speaking

Staff and board members reported on recent meetings attended and speaking engagements. Kelly reported that she gave a presentation on nursing statutes and regulation to the students at Creighton and has presentations scheduled at the UNMC Omaha and Lincoln campuses. Exstrom has a presentation at Hamilton College tomorrow and has one scheduled at Southeast Community College. Bowen is doing a series of presentations at the NALA meetings being held across the state this week.

Update on the Nebraska Center for Nursing

Kelly reported that the Center for Nursing worked on revising and refining their strategic plan. The Supply and Demand Projection Study for LPNs has been completed and incorporated into the report of the projected supply and demand for RNs. The CFN Board has contracted with Rosalee Roberts to provide public relation services for the board. Staff are currently in the process of contracting with a research assistant and a staff assistant for CFN activities. The annual meeting of state centers for nursing will be held in Jersey City, NJ in April. The CFN board will send representatives to this meeting.

Report of the Practice Committee

Gondringer distributed copies of articles on administration of conscious sedation by Registered Nurses. This issue will be on the agenda at a future board meeting for discussion. M. Bunker has agreed to serve and chair of the practice committee for this year.

Report of the Education Committee

The Education Committee has reviewed reports of site visits to educational programs, requests for curricular changes from a nursing education program and reports of investigation of complaints for two educational programs. These requests were reviewed in detail at the

last meeting of the Education Committee. Based on that review the Education Committee made the following recommendations

Hamilton College

Guests from Hamilton College were present for the following discussion.

19. The Education Committee made the motion **that the Board issue a warning to the Hamilton College, Omaha, Practical Nursing Program. The specific deficiencies to be addressed include: 1) not having a qualified full time nursing director, 2) cancellation of a number of clinical facility agreements, 3) inconsistency in following admission/retention/progression policies regarding criminal background checks, drug screens, immunizations, absenteeism (both classroom and clinical), 4) not following preceptor procedures as outlined in the regulations, and 5) having a pass rate on the NCLEX-PN® that is consistently lower than the national and state pass rates.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

The guests from Hamilton College left the meeting.

Clarkson College

20. The Education Committee made the motion **that the Board approve the site visit report and grant continued approval of Clarkson College BSN nursing program with the suggestion that the program continue to enhance peer evaluation of teaching effectiveness and with the recommendation that all faculty transcripts on file be original and complete.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Midland Lutheran College

21. The Education Committee made the motion **that the Board approve the site visit report and grant continued approval to Midland Lutheran College BSN Nursing Program with the suggestion that the program continue to develop and implement peer evaluation of teaching effectiveness.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Metropolitan Community College

22. The Education Committee made the motion **that the Board approve NURS 1110, Adult Nursing I; NURS 1200, Roles of Nursing I; NURS 1510, Concepts of Health Assessment and Therapeutic Intervention I** as submitted by Metropolitan Community College with the suggestions and corrections as discussed with the college representative.

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

23. Megel made the motion seconded by Mann **that the board ratify the waiver of Lynne Wagner to be employed as a faculty member at Metropolitan Community College without a master's degree or being enrolled in a master's program.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Financial Report

The board reviewed the December 31, 2005 budget status report.

1:50 p.m. the meeting recessed.

2:05 p.m. the meeting reconvened.

Regulations Update

Title 172 NAC Chapter 97 Regulations Governing Nursing Programs in Nebraska

These regulations have not been signed by the governor. He is waiting for any further communication from the individuals who originally expressed concern regarding faculty qualifications proposed in the regulations. Exstrom has received information that these individuals do plan to contact the governor.

Title 172 NAC Chapter 102 Regulations Governing Licensed Practical Nurses – Certified

These regulations were heard at public hearing. No comments in opposition to the regulations were received. They will be reviewed for approval by the Board of Health on January 23, 2006.

24. J. Bunger made the motion seconded by M. Bunger **that the board adopt Title 172 Chapter 102 as presented at public hearing.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

Title 183 Chapter 6 Nursing Faculty Student Loan Program

These regulations were heard at public hearing. They will be reviewed by the Board of Health on January 23, 2006.

Election of Officers for 2006

The following nominations were received for board officers for 2006:

President – Echternacht and M Bunger

Vice President - M Bunger, Megel and Gondringer

Secretary – M Bunger, Lloyd, Brauer and Ross

Voting was conducted by written ballot. The voting results were as follows:

President – Echternacht 10 votes, M Bunger 0 votes

Vice-President – M. Bunger 1 vote, Megel 5 votes and Gondringer 4 votes

Secretary – M. Bunger 1 vote, Lloyd 1 votes, Brauer 1 vote and Ross 8 votes

Echternacht, Megel and Ross were declared elected.

25. Brauer made the motion seconded by Gondringer **to destroy the ballots.**

Voting Aye: M Bunger, Echternacht, Mann, Megel, Ross, J. Bunger, Gondringer, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd.
Motion carried.

National Council of State Boards of Nursing

Exstrom reported that the Examination Committee has determined that the format for the NCLEX-RN® does not need to change. The committee is also evaluating additional foreign sites for NCLEX® administration and feasibility of offering NCLEX® in a language other than English. They have also reviewed the communication plan.

Echternacht reported that the Practice, Regulation and Education Committee is holding their second meeting next week.

Kelly presented an overview of the proposed revisions to the bylaws based on the recommendations of the Governance and Leadership Task Force.

Mid Year Meeting

The Mid Year Meeting of the National Council will be held in Chicago March 13-15, 2006. The following members indicated that they would like to attend: Gondringer, J. Bunger, M Bunger, Echternacht, Brauer, Exstrom and Kelly. Mann and Megel will not attend. Higgins, Ross and Nickel are unsure. Kelly will contact Bowen and Lloyd who are absent today. By

consensus the board approved attendance by all board members and staff who would like to attend. Kelly will seek travel approval and make travel arrangements.

Annual Meeting

The 2006 annual meeting of the National Council of State Boards of Nursing will be held in Salt Lake City, UT the first week in August. It was suggested that the board select its delegates for that meeting now so that they can attend the mid-year meeting with the knowledge that they will be casting the board's votes at the annual meeting. After discussion the board designated Kelly and Gondringer as delegates and Bowen and Brauer as alternates.

2006 Goals and Objectives

The board reviewed the 2005 goals and objectives and made suggestions for revision. Kelly will revise the strategic plan document and present it to the board for adoption at the next meeting.

3:10 p.m. Mann left the meeting

3:15 p.m. Gondringer left the meeting

Annual Board Delegation Activities

The board reviewed the annual board delegation activities and discussed suggested revisions.

26. Megel made the motion seconded by M. Bunger **that the board approve the Nursing Delegation for Authority for Routine Processes and Procedures as printed.**

Voting Aye: M Bunger, Echternacht, Megel, Ross, J. Bunger, Brauer, Nickel and Higgins. Voting Nay: none. Abstain: none. Absent: Lloyd, Mann and Gondringer. Motion carried.

Volunteers for 2006 Nursing News editorial board

J. Bunger and Megel volunteered to continue to serve in this capacity. It was suggested that Mann also be asked to continue on the advisory board.

Next Meeting

The next meeting is scheduled for February 16, 2006 in Lincoln.

Adjournment

The meeting adjourned at 3:15 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jacqueline Ross". The signature is written in dark ink and is positioned above the printed name.

Jacqueline Ross, Secretary